

**REPORT OF THE AUDIT OF THE
BELL COUNTY
SHERIFF**

**For The Year Ended
December 31, 2009**



**CRIT LUALLEN
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EXECUTIVE SUMMARY

AUDIT EXAMINATION OF THE BELL COUNTY SHERIFF

**For The Year Ended
December 31, 2009**

The Auditor of Public Accounts has completed the Bell County Sheriff's audit for the year ended December 31, 2009. Based upon the audit work performed, the financial statement presents fairly, in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting.

Financial Condition:

Excess fees decreased by \$23,477 from the prior year, resulting in excess fees of \$494,287 as of December 31, 2009. Revenues decreased by \$23,965 from the prior year and expenditures decreased by \$488.

Deposits:

As of December 31, 2009, the Sheriff's deposits were insured and collateralized by bank securities or bonds.

The Sheriff's deposits as of December 7, 2009 were exposed to custodial credit risk as follows:

- Uncollateralized and Uninsured \$40,353

The Sheriff's deposits were covered by FDIC insurance and a properly executed collateral security agreement, but the bank did not adequately collateralize the Sheriff's deposits in accordance with the security agreement.

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Albey Brock, Bell County Judge/Executive
The Honorable Bruce Bennett, Bell County Sheriff
Members of the Bell County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the Sheriff of Bell County, Kentucky, for the year ended December 31, 2009. This financial statement is the responsibility of the Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the Sheriff for the year ended December 31, 2009, in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated January 19, 2011, on our consideration of the Bell County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable Albey Brock, Bell County Judge/Executive
The Honorable Bruce Bennett, Bell County Sheriff
Members of the Bell County Fiscal Court

This report is intended solely for the information and use of the Sheriff and Fiscal Court of Bell County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these interested parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

January 19, 2011

BELL COUNTY
 BRUCE BENNETT, SHERIFF
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2009

Revenues

State Fees For Services:

Finance and Administration Cabinet	\$ 85,555		
Cabinet for Health and Family Services	34,205		\$ 119,760

Circuit Court Clerk:

Fines and Fees Collected			1,855
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Fiscal Court			79,780
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County Clerk - Delinquent Taxes			4,527
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Commission On Taxes Collected			226,953
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Other Fees On Taxes Collected			58,039
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Fees Collected For Services:

Auto Inspections	10,715		
Accident and Police Reports	402		
Serving Papers	41,862		
Carrying Concealed Deadly Weapon Permits	5,620		
Transports	25,183		83,782

Interest Earned			2,226
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Total Revenues			576,922
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Expenditures

Operating Expenditures:

Materials and Supplies-			
Office Materials and Supplies	1,669		

The accompanying notes are an integral part of this financial statement.

BELL COUNTY
 BRUCE BENNETT, SHERIFF
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2009
 (Continued)

Expenditures (Continued)

Operating Expenditures (Continued):

Other Charges-

Prisoner Transports	\$	530
Evidence/Film		49
Travel & Training Expenses		696
Postage		215
Miscellaneous		96
		<hr/>

Total Expenditures	\$	3,255
		<hr/>
Net Revenues		573,667
Less: Statutory Maximum		79,380
		<hr/>
Excess Fees Due Fiscal Court for 2009		494,287
		<hr/>
Payments to Fiscal Court - Monthly		494,241
		<hr/>
Balance Due Fiscal Court	\$	46
		<hr/> <hr/>

The accompanying notes are an integral part of this financial statement.

BELL COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2009

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the Sheriff as determined by the audit. KRS 134.310 requires the Sheriff to settle excess fees with the fiscal court at the time he files his final settlement with the fiscal court.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive) at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2009 services
- Reimbursements for 2009 activities
- Tax commissions due from December tax collections
- Payments due other governmental entities for payroll
- Payments due vendors for goods or services provided in 2009

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

BELL COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2009
(Continued)

Note 2. Employee Retirement System

The county official and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost sharing, multiple employer defined benefit pension plan, which covers all eligible full-time employees and provides for retirement, disability and death benefits to plan members. Benefit contributions and provisions are established by statute.

Nonhazardous covered employees are required to contribute 5 percent of their salary to the plan. Nonhazardous covered employees who begin participation on or after September 1, 2008 are required to contribute 6 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 13.50 percent for the first six months and 16.16 percent for the last six months.

Hazardous covered employees are required to contribute 8 percent of their salary to the plan. Hazardous covered employees who begin participation on or after September 1, 2008 are required to contribute 9 percent of their salary to be allocated as follows: 8% will go to the member's account and 1% will go to the KRS insurance fund. The county's contribution rate for hazardous employees was 29.50 percent for the first six months and 32.97 percent for the last six months.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Nonhazardous employees who begin participation on or after September 1, 2008 must meet the rule of 87 (members age plus years of service credit must equal 87, and the member must be a minimum of 57 years of age) or the member is age 65, with a minimum of 60 months service credit.

Aspects of benefits for hazardous employees include retirement after 20 years of service or age 55. For hazardous employees who begin participation on or after September 1, 2008 aspects of benefits include retirement after 25 years of service or the member is age 60, with a minimum of 60 months of service credit.

Historical trend information showing the CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, KY 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The Bell County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

BELL COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2009
(Continued)

Note 3. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Bell County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2009, all deposits were covered by FDIC insurance or a properly executed collateral security agreement. However, as of December 7, 2009, public funds were exposed to custodial credit risk because the bank did not adequately collateralize the Sheriff's deposits in accordance with the security agreement.

- Uncollateralized and Uninsured \$40,353

Note 4. Petty Cash Balance

The Bell County Fiscal Court allows the Sheriff to retain \$500 in the fee account each month to pay miscellaneous expenses. At the end of each calendar year, the Sheriff pays the \$500 petty cash balance over to the Fiscal Court as part of excess fees.

Note 5. Change Fund Balance

The Sheriff's office retains \$600 in cash to be used as a change fund for tax and regular office collections. This cash will remain in the Sheriff's office until the last day of the Sheriff's term in office, at which time the change fund balance will be re-deposited in the Sheriff's fee account. As of December 31, 2009, the Sheriff's office maintained a change fund of \$600.

Note 6. Drug Enforcement Account – Forfeiture Funds

On January 1, 2009, the Sheriff had a balance of \$13,128 in the Drug Enforcement Account. These funds have been released to the Sheriff's office by court order and are used for law enforcement activities in accordance with court orders. During the year, the account earned interest totaling \$223. The Sheriff expended \$2,213, leaving a balance of \$11,138 as of December 31, 2009.

Note 7. Federal Asset Forfeiture Account – Forfeiture Funds

On January 1, 2009, the Sheriff had a balance of \$14,892 in the Federal Forfeiture Account for funds released to the Sheriff by federal court order. These funds are used to support community policing activities, training, and law enforcement operations aimed at further drug seizures and forfeitures. During 2009, the Sheriff received \$9,913 in accordance with court orders. The Sheriff properly expended \$8,981, leaving a balance of \$15,824 as of December 31, 2009.

BELL COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2009
(Continued)

Note 8. State Asset Forfeiture Account – Forfeiture Funds

On January 1, 2009, the Sheriff had a balance of \$6,899 in the State Asset Forfeiture Account from Operation UNITE to be used for the support of community policing activities, training and law enforcement operations aimed at further drug seizures and forfeitures. There was no activity during the calendar year, leaving a balance of \$6,899 as of December 31, 2009.

Note 9. K-9 Fund Account – Donated Funds

As of January 1, 2009, the Sheriff had \$16,316 in a K-9 Account for monies received from various individuals and civic groups to support the purchase and/or upkeep of a K-9 unit. The Sheriff expended \$1,504 during the year, leaving a balance of \$14,812 as of December 31, 2009.

Note 10. Anthony Sean Pursiful Memorial Children's Account – Donated Funds

On January 1, 2009, the Sheriff had a balance of \$15,183 in the Anthony Sean Pursiful Memorial Children's Account. During the calendar year, the Sheriff received \$384 in donations for the benefit of Anthony Sean Pursiful's children. In accordance with a court order, the Sheriff remitted \$15,567 to an investment firm, to manage the donated monies for the benefit of Anthony Sean Pursiful's three minor children. As of December 31, 2009, the account balance was \$0.

Note 11. Discretionary Fund Account

During calendar year 2009, the Sheriff received \$2,700 in donations to be used to further the public purposes of the Sheriff's office. There were no expenditures from this account, leaving a balance of \$2,700 as of December 31, 2009.

Note 12. Federal Grant Monies

During calendar year 2009, the Sheriff received \$1,411 in federal grant monies for reimbursement of the purchase of bullet-proof vests. According to grant guidelines, the fiscal court was required to purchase the vests, then grant monies, matching up to 50% of the cost, were paid as a reimbursement. The Sheriff properly paid \$700 to the fiscal court during the calendar year, leaving a balance of \$711 due to the county as of December 31, 2009.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Albey Brock, Bell County Judge/Executive
The Honorable Bruce Bennett, Bell County Sheriff
Members of the Bell County Fiscal Court

Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the Bell County Sheriff for the year ended December 31, 2009, and have issued our report thereon dated January 19, 2011. The Sheriff's financial statement is prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Bell County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Sheriff's internal control over financial reporting.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.



Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Bell County Sheriff's financial statement for the year ended December 31, 2009, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management, the Bell County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crit Luallen', with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

January 19, 2011

